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CASE NUMBER: 2019CV31577

DISTRICT COURT, DENVER COUNTY, COLORADO
1437 BANNOCK STREET
DENVER, COLORADO 80202

Plaintiff:

DEFEND COLORADO, a Colorado nonprofit association

v.

Defendants:

GOVERNOR JARED POLIS and THE COLORADO AIR
QUALITY CONTROL COMMISSION.

↑ COURT USE ONLY ↑

Attorneys for Plaintiffs:

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Division: Courtroom: 203

AFFIDAVIT OF KEVIN P. KAUFFMAN

The Affiant, Kevin P. Kauffman, being duly sworn, hereby affirms that the statements contained herein are based upon personal knowledge and, if called as a witness, will testify to the same.

I. My name is Kevin P. Kauffman.

2. I am of legal age and I am competent to testify as to the facts set forth herein based on my personal knowledge and my participation as a member in Defend Colorado.

3. I am the founder, Chairman, and Chief Executive Officer of K.P. Kauffman Company, Inc. ("KPK").

4. KPK is a privately held family-owned independent oil and gas production, drilling, well service and transportation company headquartered in Denver, Colorado that is engaged in the exploration, development, acquisition, operation and well service of oil and gas properties in the Rocky Mountain States, including the Denver Metro / North Front Range Nonattainment Area.

5. KPK owns and operates many oil and gas wells in the Denver Metro/North Front Range Nonattainment Area which are air emission sources that are subject to regulation under Federal and Colorado law.

6. KPK is a member of Defend Colorado.

7. KPK relies on Defend Colorado to participate in administrative and legal proceedings that further Defend Colorado's organizational purpose and protect KPK's interests.

8. KPK supports Defend Colorado's Petition for Expedited Public Hearing and Request for Declaratory Order ("Petition") to the Colorado Air Quality Control Commission ("Commission").

9. KPK therefore respectfully opposes the Commission's refusal to rule on Defend Colorado's Petition and supports Defend Colorado's current challenge to the Commission's refusal to rule on the Petition.

10. KPK also supports Defend Colorado's challenge to Governor Polis' recent March 26, 2019 letter withdrawing Colorado's prior June 4, 2018 extension request to the United States Environmental Protection Agency ("EPA") ("Withdrawal Letter")

11. KPK is injured by the Commission's refusal to rule on Defend Colorado's Petition because the Commission has denied KPK, through Defend Colorado, its statutory right to participate in a public hearing on Colorado's annual certification of its air quality data and NAAQS attainment status to EPA.

12. KPK is also injured by the Commission's refusal to rule on Defend Colorado's Petition by denying KPK its statutory right to participate in a public hearing held to develop an accurate accounting of Colorado's air emissions inventory, including whether international emissions and exceptional events are materially affecting Colorado's air quality data.

13. KPK is injured by the Governors Withdrawal Letter because the letter violates the separation of powers required by the Colorado Constitution and otherwise deprives KPK of its right to participate in a public hearing that the Commission would be required to hold if properly issuing the Withdrawal Letter.

14. KPK is injured by the Commission's refusal to rule on Defend Colorado's Petition and separately the Governors Withdrawal letter because those actions may result, cause, or contribute to a Serious Nonattainment Area designation for ozone (pursuant to 42 U.S.C. § 7407 and 7511 of the Clean Air Act) by EPA for the Denver Metro / North Front Range Area, which will impose harmful regulatory oversight and permitting requirements on KPK such as subjecting KPK's oil and gas well production operations to more stringent and time-consuming permitting regulatory requirements that will be onerous and costly, impairing KPK's operations, decreasing

KPK's margins, and in many cases making existing and future operations no longer cost effective or feasible.


I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed on this ____ day of June, 2019.


Kevin P. Kauffman

State of Colorado)
) S.S.
County of Denver)

Subscribed and sworn to (or affirmed to) before me in the county of Denver, State of Colorado, this 7th day of June, 2019.


(Notary's official Signature)

6/8/2022
(Commission Expiration)

